

1 SENATE BILL NO. 63

2 INTRODUCED BY J. COBB

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DAILY PAY RATE FOR THE MEMBERS OF MOST
5 QUASI-JUDICIAL BOARD MEMBERS BOARDS; REVISING THE DAILY PAY RATE OF THE MEMBERS OF
6 CERTAIN BOARDS ATTACHED TO THE DEPARTMENT OF LABOR AND INDUSTRY; AMENDING SECTION
7 SECTIONS 2-15-124, 37-22-201, 37-26-202, 37-28-103, AND 37-34-201, MCA; AND PROVIDING AN
8 EFFECTIVE DATE."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 **Section 1.** Section 2-15-124, MCA, is amended to read:

13 **"2-15-124. Quasi-judicial boards.** If an agency is designated by law as a quasi-judicial board for the
14 purposes of this section, the following requirements apply:

15 (1) The number of and qualifications of its members are as prescribed by law. In addition to those
16 qualifications, unless otherwise provided by law, at least one member ~~shall~~ must be an attorney licensed to
17 practice law in this state.

18 (2) The governor shall appoint the members. A majority of the members ~~shall~~ must be appointed to serve
19 for terms concurrent with the gubernatorial term and until their successors are appointed. The remaining
20 members ~~shall~~ must be appointed to serve for terms ending on the first day of the third January of the succeeding
21 gubernatorial term and until their successors are appointed. It is the intent of this subsection that the governor
22 appoint a majority of the members of each quasi-judicial board at the beginning of ~~his~~ the governor's term and
23 the remaining members in the middle of ~~his~~ the governor's term. As used in this subsection, "majority" means the
24 next whole number greater than half.

25 (3) The appointment of each member is subject to the confirmation of the senate then meeting in regular
26 session or next meeting in regular session following the appointment. A member so appointed has all the powers
27 of the office upon assuming that office and is a de jure officer, notwithstanding the fact that the senate has not
28 yet confirmed the appointment. If the senate does not confirm the appointment of a member, the governor shall
29 appoint a new member to serve for the remainder of the term.

30 (4) A vacancy ~~shall~~ must be filled in the same manner as regular appointments, and the member

1 appointed to fill a vacancy shall serve for the unexpired term to which ~~he~~ the member is appointed.

2 (5) The governor shall designate the ~~chairman~~ presiding officer. The ~~chairman~~ presiding officer may
3 make and second motions and vote.

4 (6) Members may be removed by the governor only for cause.

5 (7) Unless otherwise provided by law, each member is entitled to be paid ~~\$50~~ a salary equal to the
6 amount established for legislators pursuant to 5-2-301(1) for each day in which ~~he~~ the member is actually and
7 necessarily engaged in the performance of board duties; and ~~he is also entitled~~ to be reimbursed for travel
8 expenses, as provided for in 2-18-501 through 2-18-503, incurred while in the performance of board duties.
9 Members who are full-time salaried officers or employees of this state or of a political subdivision of this state are
10 not entitled to be compensated for their service as members except when they perform their board duties outside
11 their regular working hours or during time charged against their annual leave, but ~~such members~~ are entitled to
12 be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503. Ex officio board members may
13 not receive compensation but ~~shall~~ must receive travel expenses.

14 (8) A majority of the membership constitutes a quorum to do business. A favorable vote of at least a
15 majority of all members of a board is required to adopt any resolution, motion, or other decision, unless otherwise
16 provided by law."
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18 **SECTION 2. SECTION 37-22-201, MCA, IS AMENDED TO READ:**

19 **"37-22-201. Duties of board -- compensation. (1)** The board:

20 ~~(1)~~(a) shall recommend prosecutions for violations of 37-22-411 and 37-23-311 to the attorney general
21 or the appropriate county attorney, or both;

22 ~~(2)~~(b) shall meet at least once every 3 months to perform the duties described in Title 37, chapters 1,
23 22, and 23. The board may, once a year by a consensus of board members, determine that there is no necessity
24 for a board meeting.

25 ~~(3)~~(c) shall adopt rules that set professional, practice, and ethical standards for social workers and
26 professional counselors and other rules as may be reasonably necessary for the administration of chapter 23 and
27 this chapter; and

28 ~~(4)~~(d) may adopt rules governing the issuance of licenses of special competence in particular areas of
29 practice as a licensed professional counselor. The board shall establish criteria for each particular area for which
30 a license is issued.

1 (2) Each board member is eligible to receive compensation and travel expenses as provided for in
 2 37-1-133."

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 4 **SECTION 3.** SECTION 37-26-202, MCA, IS AMENDED TO READ:
 5 **"37-26-202. Board meetings -- compensation.** (1) The board shall meet at least once annually.
 6 (2) Special meetings may be called by any two board members or the presiding officer.
 7 (3) Each board member is eligible to receive compensation and travel expenses as provided for in
 8 37-1-133."

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 10 **SECTION 4.** SECTION 37-28-103, MCA, IS AMENDED TO READ:
 11 **"37-28-103. Board meetings -- procedure -- compensation -- seal.** (1) (a) The board shall meet at
 12 least once a year. The board may convene at the request of the presiding officer or at other times the board
 13 determines necessary to transact its business.

14 (b) The governor shall designate the presiding officer of the board.
 15 (2) Each board member is eligible to receive compensation and travel expenses as provided for in
 16 37-1-133.
 17 ~~(2)~~(3) The board shall adopt a seal by which the board may authenticate its documents."

18
 19 **SECTION 5.** SECTION 37-34-201, MCA, IS AMENDED TO READ:
 20 **"37-34-201. Powers and duties of board -- rulemaking authority -- compensation.** (1) The board
 21 shall:

22 (a) meet at least once annually, and at other times as agreed upon, to elect officers and to perform the
 23 duties described in Title 37, chapter 1, and this section; and

24 (b) administer oaths, take affidavits, summon witnesses, and take testimony as to matters within the
 25 scope of the board's duties.

26 (2) The board has the authority to administer and enforce all the powers and duties granted statutorily
 27 or adopted administratively.

28 (3) The board shall adopt rules to administer this chapter. The rules must include but are not limited to:

29 (a) the development of acceptable certifications for each category of license;

30 (b) the establishment of criteria for educational requirements that, at a minimum, meet the standards set

1 forth in 37-34-303; and

2 (c) a requirement that the supervisor of a clinical laboratory technician be accessible at all times that
3 testing is being performed by the technician in order to provide onsite, telephonic, or electronic consultation.

4 (4) Each board member is eligible to receive compensation and travel expenses as provided for in
5 37-1-133."

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7 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2007.

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